

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3878 OF 2022
IN
INTERIM APPLICATION NO.2451 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.180 OF 2021**

Rajeshree Dayanand Subhedar ...Applicant
V/s.
Parshuram Durgappa Jadhav & Anr. ...Respondents

Mr. Aditya S. Raktade a/w Adv. M. More for Applicant.
Mr. Anand S. Patil, Applicant in REVN/180/2021.
Mr. A. D. Kamkhedkar, APP for Respondent No.2 (State).

CORAM : AMIT BORKAR, J.
DATE : DECEMBER 01, 2022

P.C.:

1. This is an Application filed by the proceedings under Section 138 of Negotiable Instruments Act, 1881. The accused having been convicted by both the Courts below has deposited amount of Rs.1,25,000/- before the Trial Court and Rs.35,000/- is before the Appellate Court.

2. Considering the scheme of act and the fact that the applicant is original complainant and the accused having been convicted by the Courts below, the applicant has made out the case for grant of permission to withdraw the amount. I, therefore, pass

following order:-

- (i). The applicant is permitted to withdraw the amount of Rs.1,25,000/- deposited before the 4th Judicial Magistrate, First Class, Kolhapur and Rs.35,000/- deposited before the Appellate Court alongwith accrued interest thereon, subject to filing undertaking within four (4) weeks from today that in case the Revision Application is decided against the applicant, he will reimburse the entire amount withdrawn to the accused alongwith interest at the prevalent bank rate.
- (ii). Interim Application stands disposed of. No costs.

(AMIT BORKAR, J.)